

Chapter 12.86
DECLARATION OF POLICY AND FINDING
OF SPECIAL CONDITIONS

Sections:

- 12.86.010 Declaration of policy.
- 12.86.020 Findings of special conditions.

12.86.010 Declaration of policy. It is the policy of King County to minimize the exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the express intent of the county council to control the level of noise in a manner which promotes commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment. (Ord. 3139 § 101, 1977)

12.86.020 Findings of special conditions. The problem of noise in King County has been studied since 1969 by two appointed citizen committees and since 1974 by the councils of King County and the city of Seattle. On the basis of this experience and knowledge of conditions within King County, the King County council hereby finds that special conditions exist within the county which make necessary any and all differences between Chapters 12.86 through 12.100 and the regulations adopted by the Department of ecology. (Ord. 3139 § 102, 1977)

Chapter 12.87
DEFINITIONS

Sections:

- 12.87.010 Definitions generally.
- 12.87.020 Administrative code.
- 12.87.030 Administrator.
- 12.87.040 Commercial agriculture.
- 12.87.050 Construction.
- 12.87.060 dB(A).
- 12.87.070 District.
- 12.87.080 EDNA.
- 12.87.090 Emergency work.
- 12.87.100 Equipment.
- 12.87.110 Gross combination weight rating (GCWR).
- 12.87.120 Gross vehicle weight rating (GVWR).
- 12.87.130 Impulsive sound.
- 12.87.140 Motor vehicle.

12.87.150 Motor vehicle racing event.
12.87.160 Motorcycle.
12.87.170 Muffler.
12.87.180 New motor vehicle.
12.87.190 Noise.
12.87.200 Off-highway vehicle.
12.87.210 Periodic sound.
12.87.220 Person.
12.87.230 Property boundary.
12.87.240 Public highway.
12.87.250 Public nuisance noise.
12.87.260 Pure tone component.
12.87.270 Real property.
12.87.280 Receiving property.
12.87.290 Shoreline.
12.87.300 Sound level.
12.87.310 Sound level meter.
12.87.320 Special construction vehicle.
12.87.330 Use.
12.87.340 Warning device.
12.87.350 Watercraft.
12.87.360 Weekday.
12.87.370 Weekend.

12.87.010 Definitions generally. All technical terminology used in Chapters 12.86 through 12.100, not defined in this chapter, shall be interpreted in conformance with American National Standards Institute Specifications, Section 1.1 –1960 and Section 1.4-1971. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine. For the purposes of Chapters 12.86 through 12.100, the words and phrases used herein shall have the meanings set forth in this chapter. (Ord. 3139 § 2(part), 1977).

12.87.020 Administrative code. “Administrative code” means King County Ordinance No. 2165, codified in Chapter 2.98. (Ord. 3139 § 201, 1977).

12.87.030 Administrator. “Administrator” means the director of the Seattle-King County Department of Public Health or his authorized representative. (Ord. 3139 § 202, 1977).

12.87.040 Commercial agriculture. “Commercial agriculture” means the production of livestock or agricultural commodities on lands defined as “Farm and Agricultural” by RCW 84.34.020(2) and the offering of the livestock and agricultural commodities for sale. (Ord. 3139 § 203, 1977).

12.87.050 Construction. “Construction” means any site preparation, assembly, erection, demolition, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property. (Ord. 3139 § 204, 1977).

12.87.060 dB(A). “dB(A)” means the sound level measured in decibels, using the “A” weighting network. (Ord. 3139 § 205, 1977).

12.87.070 District. “District” means the land use zones to which the provisions of Chapters 2.86 through 12.100 are applied. For the purposes of Chapters 12.86 through 12.100:

A. “Rural district” includes zones designated in the King County zoning code as A, F, and RA greater than thirty-five thousand square feet;

B. “Residential district” includes zones designated in the King County zoning code as UR and R-1 through R-48 less than thirty-five thousand square feet as well as zones designated as RS, RW, RD, RM, RMH, RM-MD, RMV, and BN in the comprehensive zoning ordinance of the city of Seattle;

C. “Commercial district” includes zones designated in the King County zoning code as O, NB, CB and RB as well as zones designated as BI, BC, BM, CM, CMT, and CG in the comprehensive zoning ordinance of the city of Seattle; and

D. “Industrial district” includes zones designated in the King County zoning code as I and M and special uses as well as zones designated as M, IG, and IH in the comprehensive zoning ordinance of the city of Seattle. (Ord. 11792 § 10, 1995; Ord. 3139 § 206, 1977).

12.87.080 EDNA. “EDNA” means the environmental designation for noise abatement, as defined and described by the State Department of Ecology Regulations on Environmental Noise Levels, WAC Chapter 173-60. (Ord. 3139 § 207, 1977).

12.87.090 Emergency work. “Emergency work” means work required to restore property to a safe condition following a public calamity, work required to protect persons or property from an imminent exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility service. (Ord. 3139 § 208, 1977).

12.87.100 Equipment. “Equipment” means any stationary or portable device or any part thereof capable of generating sound. (Ord. 3139 § 209, 1977).

12.87.110 Gross combination weight rating (GCWR). “Gross combination weight rating (GCWR)” means the value specified by the manufacturer as the recommended maximum loaded weight of a combination vehicle. (Ord. 3139 § 210, 1977).

12.87.120 Gross vehicle weight rating (GVWR). “Gross vehicle weight rating (GVWR)” means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle. (Ord. 3139 § 211, 1977).

12.87.130 Impulsive sound. “Impulsive sound” means sound having the following qualities: the peak of the sound level is less than one second and short compared to the occurrence rate; the onset is abrupt; the decay rapid; and the peak value exceeds the ambient level by more than 10 dB(A). (Ord. 3139 § 212, 1977).

12.87.140 Motor vehicle. “Motor vehicle” means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010. Aircraft, watercraft and vehicles used exclusively on stationary rails or tracks are not motor vehicles as that term is used herein. (Ord. 3139 § 213, 1977).

12.87.150 Motor vehicle racing event. “Motor vehicle racing event” means any competition between motor vehicles and/or off-highway vehicles under the auspices of a sanctioning body recognized by the administrator in accordance with the administrative code. (Ord. 3139 § 214, 1977).

12.87.160 Motorcycle. “Motorcycle” means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; except that farm tractors and vehicles powered by engines of less than five horsepower shall not be included. (Ord. 3139 § 215, 1977).

12.87.170 Muffler. “Muffler” means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine, or for the purpose of introducing water to the flow of the exhaust gas and which is effective in reducing sound resulting therefrom. (Ord. 5096 § 1, 1980: Ord. 3139 § 216, 1977).

12.87.180 New motor vehicle. “New motor vehicle” means a motor vehicle manufactured after December 31, 1975, the equitable or legal title of which has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale. (Ord. 3139 § 217, 1977).

12.87.190 Noise. “Noise” means the intensity, duration and character of sounds from any and all sources. (Ord. 3139 § 218, 1977).

12.87.200 Off-highway vehicle. “Off-highway vehicle” means any self-propelled motor-driven vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010. “Off-highway vehicle” shall not include special construction vehicles. (Ord. 3139 § 219, 1977).

12.87.210 Periodic sound. “Periodic sound” means sound having the following qualities; the sound level varies repetitively with a period of one minute or less, and the peak value is more than 5 dB(A) above the minimum value. (Ord. 3139 § 220, 1977).

12.87.220 Person. “Person” means any individual, firm, association, partnership, corporation or any other entity, public or private. (Ord. 3139 § 221, 1977).

12.87.230 Property boundary. “Property boundary” means in imaginary line exterior to any enclosed structure, at ground surface, which separates the property of one or more persons from that owned by others, and is vertical extension. (Ord. 3139 § 222, 1977).

12.87.240 Public highway. “Public highway” means the entire width between the boundary lines of every way publicly maintained by the Department of Highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right. (Ord. 3139 § 223, 1977).

12.87.250 Public nuisance noise. “Public nuisance noise” means any sound which unreasonably either annoys, injures, interferes with, or endangers the comfort, repose, health or safety of any entire community or neighborhood, although the extent of damage may be unequal. (Ord. 3139 § 221, 1977).

12.87.260 Pure tone component. “Pure tone component” means sound having the following qualities: a one-third octave band sound pressure level in the band with the tone that exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500Hz and above, by 8dB for center frequencies between 160 and 400 Hz, and by 15dB for center frequencies less than or equal to 125 Hz. (Ord. 3139 § 225, 1977).

12.87.270 Real property. “Real property” means an interest or aggregate or rights in land which is guaranteed and protected by law; for purposes of Chapters 12.86 through 12.100, “real property” includes a leasehold interest. (Ord. 3139 § 226, 1977).

12.87.280 Receiving property. “Receiving property” means real property within which sound originating from outside the property is received. (Ord. 3139 § 227, 1977).

12.87.290 Shoreline. “Shoreline” means the existing intersection of water with the ground surface or with any permanent, shore-connected facility. (Ord. 5096 § 3, 1980).

12.87.300 Sound level. “Sound level” means the weighted sound pressure level measured by the use of a metering characteristic and weighted as specified in American National Standards Institute Specifications, Section 1.4-1971. The sound pressure level of a sound expressed in decibels is twenty times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure of twenty micropascals. In the absence of the specific modifier, the level is understood to be that of a mean-square pressure. (Ord. 3139 § 228, 1977).

12.87.310 Sound level meter. “Sound level meter” means a sound level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications, Section 1.4-1971. (Ord. 3139 § 229, 1977)

12.87.320 Special construction vehicle. “Special construction vehicle” means any vehicle which is designed and used primarily for grading, paving, earthmoving, and other construction work; which is not designed or used primarily for the transportation of persons or property on a public highway; and which is only incidentally operated or moved over the highway. (Ord. 3139 § 229, 1977).

12.87.330 Use. “Use” means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted. (Ord. 3139 § 231, 1977).

12.87.340 Warning device. “Warning device” means any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including but not limited to a burglar alarm or vehicle backup signal, but not including any fire alarm. (Ord. 3139 § 232, 1977).

12.87.350 Watercraft. “Watercraft” means any contrivance, including aircraft taxiing, but excluding aircraft in the act of actual landing or takeoff, used or capable of being used as a means of transportation or recreation on water powered by an internal or external combustion engine. (Ord. 3139 § 233, 1977).

12.87.360 Weekday. “Weekday” means any day Monday through Friday which is not a legal holiday. (Ord. 3139 § 234, 1977).

12.87.370 Weekend. “Weekend” means Saturday and Sunday or any legal holiday. (Ord. 3139 § 235, 1977).

Chapter 12.88

ENVIRONMENTAL SOUND LEVELS

Sections:

12.88.010 Unlawful sounds.

12.88.020 Maximum permissible sound levels.

12.88.030 Modifications to maximum permissible sound levels.

12.88.010 Unlawful sounds. It is unlawful for any person to cause sound, or for any person in possession of property to permit sound originating from such property, to intrude into the real property of another person whenever such sound exceeds the maximum permissible sound levels established by this chapter. (Ord. 3139 § 301, 1977).

12.88.020 Maximum permissible sound levels. A. For sound sources located within King County or the city of Seattle, the maximum permissible sound levels are as follows:

District of Sound Source	District of Receiving Property			
	Within King County			
	Rural	Residential	Commercial	Industrial
Rural	49 dB(A)	52 dB(A)	55 dB(A)	57 dB(A)

Residential	52 dB(A)	55 dB(A)	57 dB(A)	60 dB(A)
Commercial	55 dB(A)	57 dB(A)	60 dB(A)	65 dB(A)
Industrial	57 dB(A)	60 dB(A)	65 dB(A)	70 dB(A)

B. For sound sources located outside King County and the city of Seattle, the maximum permissible sound levels are as follows:

EDNA of Sound Source	District of Receiving Property			
	Within King County			
	Rural	Residential	Commercial	Industrial
Class A	52 dB(A)	55 dB(A)	57 dB(A)	60 dB(A)
Class B	55 dB(A)	57 dB(A)	60 dB(A)	65 dB(A)
Class C	57 dB(A)	60 dB(A)	65 dB(A)	70 dB(A)

(Ord. 3139 § 302, 1977).

12.88.030 Modifications to maximum permissible sound levels. The maximum permissible sound levels established by this chapter shall be reduced or increased by the sum of the following:

A. Between the hours of ten p.m. and seven a.m. during weekdays, and between the hours of ten p.m. and nine a.m. on weekends, the levels established by Section 12.88.020 are reduced by 10 dB(A) where the receiving property lies within a rural or residential district of King County.

B. For any source of sound which is periodic, which has a pure tone component, or which is impulsive and is not measured with an impulse sound level meter, the levels established by this chapter shall be reduced by 5 dB(A).

C. For any source of sound which is of short duration, the levels established by this chapter are increased by:

1. 5 dB(A) for a total of fifteen minutes in any one-hour period; or
2. 10 dB(A) for a total of five minutes in any on-hour period; or
3. 15 dB(A) for a total of one point five minutes in any on-hour period.

(Ord. 3139 § 303, 1977).

Chapter 12.90

MOTOR VEHICLE SOUND LEVELS

Sections:

12.90.010 Sounds created by operation of motor vehicles.

12.90.020 Mufflers.

12.90.030 Modification to motor vehicles.

12.90.040 Tire noise.

12.90.050 Sale of new motor vehicles which exceed limits.

12.90.060 Motor vehicle exemptions.

12.90.010 Sounds created by operation of motor vehicles. It is unlawful for any person to operate upon any public highway any motor vehicle or any combination of motor vehicles under any conditions of grade, load, acceleration or deceleration in such manner as to exceed the following maximum permissible sound levels for the category of vehicle, as measured at a distance of fifty feet from the center of the lane of travel within the speed limits specified, by measurement procedures established by the State Commission on Equipment.

Vehicle Category	35 mph or less	over 35 mph
Motorcycles	80 dB(A)	84 dB(A)
Motor vehicles over		
10,000 pounds GVWR or GCWR	86 dB(A)	90 dB(A)
All other motor vehicles	76 dB(A)	80 dB(A)

(Ord. 3139 § 401, 1977).

12.90.020 Mufflers. It is unlawful for any person to operate, or for any owner to permit any person to operate, any motor vehicle upon the public highways which is not equipped with a muffler in good working order and in constant operation. (Ord. 3139 § 402, 1977).

12.90.030 Modification to motor vehicles. It is unlawful for any person to modify or change any part of a motor vehicle or install any device thereon in any manner that permits sound to be emitted by the motor vehicle in excess of the limits prescribed by this chapter. It is unlawful for any person to remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound-dissipative device on a motor vehicle. (Ord. 3139 § 403, 1977).

12.90.040 Tire Noise. It is unlawful for any person to operate a motor vehicle in such a manner as to cause, or allow to be emitted, squealing, screeching, or other such sound, from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason; provided, that sound resulting from emergency braking to avoid imminent danger shall be exempt from this section. (Ord. 3139 § 404, 1977).

12.90.050 Sale of new motor vehicles which exceed limits. It is unlawful for any person to sell or offer for sale a new motor vehicle, except an off-highway vehicle, which produces a maximum permissible sound levels at a distance of fifty feet, by acceleration test procedures established by the State commission on Equipment.

Vehicle Category

Motorcycles manufactured after 1975.....83 dB(A)

Any motor vehicle over 10,000 lbs. GVWR

Manufactured after 1975 and prior to 1978.....	86 dB(A)
Any motor vehicle over 10,000 lbs. GVWR	
Manufactured after 1978.....	83 dB(A)
All other motor vehicles.....	80 dB(A)

12.90.060 Motor vehicle exemptions. Sounds created by motor vehicles are exempt from the maximum permissible sound levels of Chapter 12.88; except that sounds created by any motor vehicle operated off public highways shall be subject to the sound levels of Chapter 12.88 when such sounds are received in rural or residential districts of King County. (Ord. 3139 § 406, 1977).

Chapter 12.91

WATERCRAFT SOUND LEVELS

Sections:

12.91.010 Operation exceeding maximum noise limits prohibited.

12.91.020 Mufflers.

12.91.030 Exemptions.

12.91.010 Operation exceeding maximum noise limits prohibited. It is unlawful for any person to operate any watercraft on the water of King County in such a manner as to exceed the following maximum noise limits when measured within fifty feet of the shoreline or anywhere within a receiving property:

A. At any hour of the day or night, the limit for any receiving property shall be 74 dB(A); except that

B. Between sunset and sunrise, the limit for sounds received within a rural or residential district shall be 64 dB(A). For the purpose of administering and enforcing this section, sunset will be interpreted as ten p.m. and sunrise will be interpreted as seven a.m. (Ord. 5096 § 5, 1980).

12.91.020 Mufflers. A. It is unlawful for any person to operate any watercraft, except aircraft, on the waters of King County which is not equipped with a functioning underwater exhaust or a properly installed and adequately maintained muffler. Any of the following defects in the muffling system shall constitute a violation of this section:

1. The absence of a muffler;
2. the presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected.
3. Defects in the exhaust system including, but not limited to, pinched outlets, holes, or rusted-through areas of the muffler or pipes;
4. The presence of equipment which will produce excessive or unusual noise from the exhaust system.

B. Dry stacks or water-injected stacks not containing a series of chambers or mechanical designs effective in reducing sound shall not be considered as adequately maintained mufflers. (Ord. 5096 § 6, 1980).

12.91.030 Exemptions. The following exemptions shall apply to the operation of watercraft in the waters of King County:

A. Subject to the provisions of subsection D 5 of this section, sounds created by watercraft are exempt from the maximum permissible sound levels of K.C.C. Chapter 12.88;

B. Normal docking and undocking operations of all watercraft shall be exempt for the provisions of Section 12.91.010;

C. Watercraft picking up or dropping off water-skiers shall be exempt from the provisions of Section 12.91.010 while operating within the temporary speed limit exemption authorized in K.C.C. 12.44.230(2);

D. The following sounds shall be exempt from the provisions of Sections 12.91.010 and 12.91.020:

1. Sounds created by the operation of commercial, nonrecreational watercraft;
2. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device;
3. Sounds created by a warning device not operating continuously for more than thirty minutes;
4. Sounds created by emergency equipment for emergency work necessary in the interests of law enforcement or for the health, safety, and welfare of the community;
5. Sounds created by auxiliary equipment operated on watercraft for the purposes of dredging, pile driving, operation of a marina, and clam and oyster harvesting, except that such sounds are not exempt from the maximum permissible sound levels of K.C.C. Chapter 12.88;
6. Sounds created by motorboats competing in a regatta or boat race held under a permit issued by the department of public safety and sounds created while on trial runs or while on official trials for speed records during the time and in the designated area authorized by such permit. (Ord. 5096 § 7, 1980).

Chapter 12.92

PUBLIC NUISANCE AND DISTURBANCE NOISES

Sections:

12.92.010 Public nuisance noises.

12.92.020 Public disturbance noises.

12.02.030 Exempted sources.

12.92.010 Public nuisance noises. Pursuant to the notice and order procedure incorporated by Chapter 12.99, the administrator may determine that a sound constitutes a public nuisance noise as defined in Section 12.87.220 *. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound which has been determined a public nuisance noise. (Ord. 3139 § 501, 1977).

12.92.020 Public disturbance noises. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

* The reference to Section 12.87.220 is a typographical error and is expected to be changed to Section 12.87.250 by a proposed Ordinance Amendment.

A. the frequent, repetitive or continuous sound of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

B. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal-combustion engine so as to unreasonably disturb or interfere with the peace, comfort and repose of property owners or possessors of real property;

C. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure, or property or the contents therein, except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection;

D. The making of any loud and raucous sound within one thousand feet of any school, hospital, sanitarium, nursing or convalescent facility;

E. The creation by use of a musical instrument, whistle, sound amplifier, or other device, capable of producing or reproducing sound, of loud and raucous sounds which emanate frequently, repetitively or continuously from any building, structure or property located within a rural or residential district, such as sounds originating from a band session or social gathering.

F. Loud, raucous, frequent, repetitive or continuous sound created by: the use of any device capable of producing an impulsive sound such as when being struck by an object; by a whistle; by a sound amplifier; or by any audio equipment such as audio, tape player, disc player or any other audio device capable of producing, reproducing or amplifying sound that can be clearly heard or felt at seventy five feet or more from the source of sound whether stationary, portable or in a motor vehicle.

G. Any sound out of doors that interferes with normal conversation at a distance of seventy five feet or more from the source of the sound. (Ord. 10192 § 1, 1991: Ord. 9341, 1990: Ord. 3139 § 502, 1977).

12.92.030 Exempted sources. No sound source specifically exempted from a maximum permissible sound level by chapters 12.86 through 12.100 shall be a public nuisance noise or public disturbance noise, insofar as the particular source is exempted. (Ord. 3139 § 503, 1977).

EXEMPTIONS

12.94.010

Chapter 21.94

Exemptions

Sections:

12.94.010 Sounds exempt at all times.

12.94.020 Sounds exempt during daytime hours.

12.94.030 Sounds exempt from nighttime reduction.

12.94.040 Sounds exempt during daytime hours – Aircraft testing and maintenance.

12.94.010 Sounds exempt at all times. A.. The following sounds are exempt from the provisions of Chapters 12.86 through 12.100 at all times:

1. Sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations;
2. Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
3. Sounds created by fire alarms;
4. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;
5. Sounds created by the discharge of firearms in the course of lawful hunting activities;
6. Sounds caused by natural phenomena and unamplified human voices;
7. Sounds originating from forest harvesting and silviculture activity and from commercial agriculture if the receiving property is located in a rural, commercial or industrial district of King County;
8. Sounds created by auxiliary equipment on motor vehicles used for highway maintenance;
9. Sounds created by off-highway vehicles while being used in officially designated all-terrain vehicle parks, except when such sound is received off the park site in a rural or residential district of King County and such sound measurably increases the ambient level;
10. Sounds created by warning devices not operated continuously for more than thirty minutes per incident.

B. The county council intends to amend the ordinance codified in chapters 12.86 through 12.100 by enacting specific regulations for the following sounds, each of which shall be exempt from the provisions of this chapter at all times until a specific amendment applying to such sounds has been adopted:

1. Sounds created by the operation of equipment of facilities of surface carries engaged in commerce by railroad;
2. Sounds created by float planes, except as provided in Section 12.87.265;
3. Sounds created by construction equipment, including special construction vehicles, and emanating from temporary construction sites, if the receiving property is located in a commercial or industrial district of King County; and
4. Sounds created by existing natural gas transmission facilities, provided that such exemption shall extend only to May 25, 1977. (Ord. 5096 § 4, 1980; Ord. 3139 § 6-01, 1977).

12.94.020 Sounds exempt during daytime hours. A. The following sounds are exempt from the provisions of Chapters 12.86 through 12.100 between the hours of seven a.m. and ten p.m. on weekdays and between the hours of nine a.m. and ten p.m. on weekends:

1. Sounds created by bells, chimes, or carillons not operating for more than five minutes in any one hour;
2. Sounds created by the discharge of firearms on legally established shooting ranges;
3. Sounds created by the discharge of firearms on legally established shooting ranges;
4. Sounds created by blasting;
5. Sounds originating from forest harvesting and silviculture activity and from commercial agriculture if the receiving property is located in a residential district of King County. The administrator is authorized to promulgate regulations which extend the hours during which this exemption is in effect to conform

with operating hours designated by the Washington State Department of Natural Resources in directing an official fire closure.

B. The county council intends to amend the ordinance codified in Chapters 12.86 through 12.100 by enacting specific regulations for the following sounds, each of which shall be exempt from the provisions of the ordinance codified in Chapters 12.86 through 12.100 between the hours of seven a.m. and ten p.m. on weekdays and between the hours of nine a.m. and ten p.m. on weekends, until a specific amendment applying to that sound has been adopted:

1. Sounds created by construction equipment, including special construction vehicles, and emanating from temporary construction sites, if the receiving property is located in a rural or residential district of King County;

2. Sounds created by the installation or repair of essential utility services;

3. Sounds created by maintenance operation on public facilities;

4. Sounds created by motor vehicle racing events at existing, authorized facilities, provided that such sounds shall be exempt until eleven p.m. on Fridays and Saturdays;

5. Sounds created by powered equipment used in temporary or periodic maintenance or repair of residential property, including grounds and appurtenances, such as lawnmowers, powered handtools, snow removal equipment, and composters. (Ord. 4449 § 1, 1979; Ord. 3139 § 602, 1977).

12.94.030 Sounds exempt from nighttime reduction. The following sounds are exempt from the provisions of Section 12.88.030 A:

A. Sounds created by existing stationary equipment used in the conveyance of water by a utility;

B. Sounds created by electrical substations;

C. Sounds created in industrial districts which, over the previous three years, have consistently operated in excess of fifteen hours per day as a demonstrated routine or as a consequence of process necessity; provided, that such exemption shall only extend to five years after the effective date of the ordinance codified in Chapters 12.86 through 12.100. Changes in working hours or activity which would increase the sound emitted under this exemption require the approval of the administrator, given under rules adopted in accordance with the administrative code. (Ord. 3139 § 603, 1977).

12.94.040 Sounds exempt during hours – Aircraft testing and maintenance. Subject to the conditions of subsections A. through B. of this section, sounds created by the testing and maintenance of aircraft, or components of aircraft, are exempt from the maximum permissible sound levels of Chapter 12.88 between the hours of seven a.m. and ten p.m. daily; provided that aircraft which are regularly scheduled to depart between the hours of seven a.m. and eight-thirty a.m. shall, subject to the same conditions, be exempt between the hours of six a.m. and ten p.m.

A. Testing and maintenance shall be performed at an airport designated as such by the Federal Aviation Administration prior to the effective date of this section, or by the administrator.

B. The aircraft or component shall be oriented parallel to the direction of any operational runway of the airport, or within ten degrees of parallel to any operational runway of the airport, provided that this shall apply only to Seattle-Tacoma International Airport.

C. If the testing or maintenance is performed at the Seattle-Tacoma International Airport, the aircraft or component shall be entirely within the airport building restriction line boundary as defined on the map entitled "Seattle-Tacoma International Airport – Airport Plan" (prepared July 18, 1973, revised June 30, 1977) and at areas designated by the airport proprietor. It is intended that this map be the reference map regardless of any future

changes, provided that the administrator may grant exceptions to this part for good cause shown. A copy of this map is on file in the county clerk's office and at the Planning and Research Department of the Port of Seattle.

D. If the testing or maintenance is performed at the Boeing Field/King County International Airport, the aircraft or component shall be entirely within the ultimate airport property line as shown on the map entitled "Boeing Field/King County International Airport – Airport Layout Plan" (prepared December 1, 1976, revised October 10, 1978), at areas designated by the airport manager. It is intended that this map be the reference map regardless of any future changes, provided that the administrator may grant exceptions to this subsection for good cause shown. A copy of the Boeing Field/King County International Airport layout plan map is on file in the Seattle city clerk's office, at the office of the airport manager of the Boeing Field/King County International Airport, and at the Planning and Research Department of the Port of Seattle. (Ord. 4449 § 2, 1979).

Chapter 12.96

VARIANCES

Sections:

- 12.96.010 Variance procedure.
- 12.96.020 Types of variances.
- 12.96.030 Plan review fee.

12.96.010 Variance procedure. A. Any person who owns or is in possession of any property or use, or any process or equipment, may apply to the administrator for relief from the requirements of Chapters 12.86 through 12.100 or rules or regulations promulgated hereunder governing the quality, nature, duration or extent of discharge of noise. In a proper case, this variance may apply to all sources of a particular class or type. The application shall be accompanied by such information and data as the administrator may require. In accordance with the administrative code, the administrator shall promulgate rules and regulations governing the application for the granting of such variances, including hearings and notice.

B. Application for a variance or renewal of a variance shall be accompanied by payment of a nonrefundable base fee as follows:

- 1. Temporary variance.....\$200.00;
- 2. Technical or economic variance, source in
rural or residential district\$200.00;
- 3. Technical or economic variance, source in
commercial or industrial district\$500.00;

C. In addition to the base fee the review fee for technical or economic variance shall be the actual costs associated with application review over and above the base fee.

D. A variance or its renewal shall not be a right of the applicant or holder thereof, but shall be at the reasonable discretion of the administrator.

E. No variance shall be granted pursuant to this section until the administrator has considered the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public. A technical or economic variance may be granted only after a public hearing on due notice. The administrator may grant a variance, if he finds that:

1. The noise occurring or proposed to occur does not endanger public health or safety; and
2. The applicant demonstrates the criteria required for temporary, technical or economic variance under Section 12.96.020.

F. Variances, except temporary variances, granted pursuant to Chapters 12.86 through 12.100 may be renewed on terms and conditions and for periods which would be appropriate on the initial granting of a variance. No renewal shall be granted except on application made at least sixty days prior to the expiration of the variance.

G. Any person aggrieved by the denial, grant, or the terms and conditions on the grant of an application for a variance by the administrator may appeal such decision under procedures incorporated by Chapter 12.99.

H. Any person or source granted a variance pursuant to the procedures of this section or an appeal shall be exempt from the maximum permissible sound levels established by Chapters 12.86 through 12.100, to the extent provided in the variance. (Ord. 12920 § 1, 1997; Ord. 9224 § 1, 1989; Ord. 7415 § 1, 1985; Ord. 4181 § 1, 1979; Ord. 3139 § 701, 1977).

12.96.020 Types of variances. A. **TEMPORARY VARIANCE.** The administrator may grant a temporary variance, not to exceed fourteen days, for any activity, use, process or equipment which the administrator determines, in accordance with rules and regulations, does not annoy a substantial number of the people and does not endanger public health or safety.

B. **TECHNICAL VARIANCE.** A technical variance may be granted by the administrator on the grounds that there is no practical means known or available for the adequate prevention, abatement or control of the noise involved. Any technical variance shall be subject to the holder's taking of any alternative measures that the administrator may prescribe. The duration of each technical variance shall be until such practical means for prevention, abatement or control become known or available. The holder of a technical variance, as required by the administrator, shall make reports to the administrator detailing actions taken to develop a means of noise control or to reduce the noise involved and must relate these actions to the pertinent current technology.

C. **ECONOMIC VARIANCE.** An economic variance may be granted by the administrator on the ground that compliance with the particular requirement or requirements from which the variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a period of time. The duration of an economic variance shall be for a period not to exceed such reasonable time as is required in the view of the administrator for the taking of the necessary measures. An economic variance shall contain a timetable for the taking of action in expeditious manner and shall be conditioned on adherence to the timetable. (Ord. 3139 § 702, 1977).

12.96.030 Plan review fee. Whenever any project is submitted to the administrator for review, relating to any special noise studies and mitigating measures, proposed as part of a mitigated declaration of non-significance or environmental impact statement under any of the following:

- A. Chapter 42.21C of the Revised Code of Washington, the state environmental policy act;
- B. Chapter 197-11 of the Washington Administrative Code, the state environmental policy act rules;
- C. Chapter 20.44 of the King County Code, the county environmental procedures;
- D. The environmental review ordinance of any other city or town or other municipal corporation;

The request for review shall be accompanied by a plan review fee of fifty dollars (\$50.00). This fee shall be nonrefundable, and shall accompany each request for comment by the administrator, including each request for comment on a declaration of non-significance with mitigation, a declaration of significance or an environmental impact statement. (Ord. 9224 § 2, 1989).

Chapter 12.98**ADMINISTRATION AND NOISE MEASUREMENT****Sections:**

- 12.98.010 Authority of administrator.
- 12.98.020 Duties of administrator.
- 12.98.030 Measurement of sound.
- 12.98.040 Technical corrections.
- 12.98.050 Receiving properties within more than one district.

12.98.010 Authority of administrator. The administrator is authorized and directed to administer and enforce the provision of Chapters 12.86 through 12.100; provided, that the director of the department of public safety is directed to enforce Chapter 12.90, 12.91 and Sections 12.87.180, 12.87.290, 12.87.350, 12.92.020 and 12.94.010. Upon request by the administrator or the director of the department of public safety, all other county departments and divisions are authorized to assist them in enforcing Chapters 12.86 through 12.100. (Ord. 5096 § 8, 1980; Ord. 3139 § 801, 1977).

12.98.020 Duties of administrator. The duties of the administrator shall include, but are not limited to:

- A. Obtaining assistance from other appropriate county departments and divisions;
- B. Training field inspectors;
- C. Purchasing measuring instruments and training inspectors in their calibration and use;
- D. Promulgating and publishing rules and procedures, in accordance with the administrative code, to establish techniques for measuring or reducing noise and to provide for clarification, interpretation, and implementation of Chapters 12.86 through 12.100;
- E. Investigating citizens' noise complaints;
- F. Issuing orders for the reduction or elimination of noise in accordance with Chapter 12.99;
- G. Assisting citizens and other county departments in evaluating and reducing the noise impact of their activities;
- H. Assisting county planning officials in evaluating the noise component in planning and zoning actions;
- I. Instituting a public education program on noise; and
- J. Reviewing at least every three years the provisions of Chapters 12.86 through 12.100 and recommending revisions consistent with technology to reduce noise. (Ord. 3139 § 802, 1977).

12.98.030 Measurement of sound. If the measurements of sound are made with a sound level meter, it shall be an instrument in good operating condition and shall meet the requirements for a Type I or Type II instrument, as described in American National Standards Institute Specifications, Section 1.4-1971. If the measurements are made

with other instruments, or assemblages of instruments, the procedure must be carried out in such manner that the overall accuracy shall be at least that called for in Section 1.4-1971 for Type II instruments. (Ord. 3139 § 803, 1977).

12.98.040 Technical corrections. When the location, distance or technique prescribed in Chapter 12.86 through 12.100 for measurement of sound is impractical or would yield misleading or inaccurate results, measurements shall be taken at other locations or distances using appropriate correction factors, as specified in the rules promulgated by the administrator. (Ord. 3139 § 804, 1977).

12.98.050 Receiving properties within more than one district. Where a receiving property lies within more than one district, the maximum permissible sound level shall be determined by the district within which the measurement is made. (Ord. 3139 § 805, 1977).

Chapter 12.99

ENFORCEMENT AND APPEALS

Sections:

12.99.010 Enforcement.

12.99.020 Appeals.

12.99.010 Enforcement. Subject to the following qualification concerning first offenses, the administrator is authorized to enforce the provisions of Chapters 12.86 through 12.100 and any rules and regulations promulgated thereunder pursuant to the notice and order, right of entry, misdemeanor, civil penalty, abatement and other provisions of Title 23. Whenever the administrator has reason to believe that a violation of the environmental sound levels contained in Chapter 12.90 has occurred, and that such violation is the offender's first offense under Chapters 12.86 through 12.100 in the past three-year period, and for all other unlawful acts under Chapters 12.86 through 12.100, including failure to comply with the terms of the final order, the administrator shall have the option of initiating either a direct enforcement action and/or an administrative notice and order proceeding, as provided for by Title 23. (Ord. 3139 § 901, 1977).

12.99.020 Appeals. Any person aggrieved by a final order of the administrator, including a final variance decision, may appeal to the King County hearing examiner under the appeal procedures provided by Title 23. (Ord. 3139 § 902, 1977).

Chapter 12.100

MISCELLANEOUS

Sections:

12.100.010 Ordinance additional to other law.

12.100.020 Serverability.

12.100.010 Ordinance additional to other law. The provisions of Chapters 12.86 through 12.100 shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; nor shall proof of a violation of Chapters 12.86 through 12.100 constitute prima facie proof of any private cause of action. Unless specifically provided, Chapters 12.86 through 12.100 shall not be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise. (Ord. 3139 § 1001, 1977).

12.100.020 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of Chapters 12.86 through 12.100 or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of Chapters 12.86 through 12.100 or its application to any other person or situation. (Ord. 3139 § 1002, 1977).